



OFFICE OF THE CLERK/TREASURER

City of Burlington

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MINUTES

LOCAL CONTROL SUB-COMMITTEE

WEDNESDAY, FEBRUARY 9, 2011

CONFERENCE ROOM 12, CITY HALL

5:04 P.M.

PRESENT: Chair Vincent Dober, Commissioner David Berezniak; Clerk/Treasurer's Office, Lori Olberg and Carole Bourneuf; by cell phone Commissioner Emma Mulvaney-Stanak

1. **AGENDA**

A motion was made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak to approve the agenda as written.

Passed: 3-0

2. **CONSENT AGENDA**

2.01. **COMMUNICATION:** Lori Olberg, Licensing, Voting and Records Coordinator, re:
Request for Catering Log

waive the reading, accept the communication and place it on file

2.02. **COMMUNICATION:** William J. Goggins, Director, Education, Licensing & Enforcement Divisions, Vermont Department of Liquor Control, re: Administrative Notice of Agency Action #089, American Flatbread-Burlington Hearth, \$250 Administrative Penalty has not been paid; a late fee of \$10 has been applied

waive the reading, accept the communication and place it on file

2.03. **COMMUNICATION:** William J. Goggins, Director, Education, Licensing & Enforcement Divisions, Vermont Department of Liquor Control, re; Administrative Notice of Agency Action #071, Phuong's Kitchen, \$100 Administrative Penalty has not been paid; a late fee of \$10 has been applied

waive the reading, accept the communication and place it on file

A motion was made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak, to accept the communication and place it on file for 2.01, 2.02 and 2.03 and change the Consent Agenda to reflect 2.04 as an item to Item 2.5 on deliberative.

Passed: 3-0

2.5 **SECOND CLASS STORE LIQUOR LICENSE RENEWALS (2011-2012)**

Lori Olberg submitted to the committee a list regarding Liquor License Renewals for Second Class Stores.

The list was revised with the following establishments **removed**:

Cheese Outlet/Fresh Market

Dot's Market

Downtown Quick Stop

Kountry Kart Deli

Pete's Ice Cream

Simon Store-Battery Park

The following establishments remaining are:

Advance Music Center
Apple Mountain
Bessery's Quality Market
Burlington Beverage Center
Burlington Wine Shop
Church Street Wine Cellars
City Market
Dedalus Wine Group
Finelli's
Hannaford Food & Drug
Henry Street Deli – Yandow, Tamra
J R Corner's Store
Kampus Kitchen
Kerry's Kwik Stop
Mobil Short Stop
Old North End Variety
One Love Market
Pearl Street Beverage
Pine Street Deli
Radio Deli
Shopping Bag
VT BBB Retail Store
Vermont Church Supply Co.
Waggy's Store & Deli
Willard Street Market

Discussion: Lori Olberg stated that there are two establishments that have substantial money issues. Ms. Olberg stated that this issue has occurred in prior years and suggested going into Executive Session at the end of the meeting to discuss. Chair Dober agreed. Ms. Olberg stated that all licenses that are up for approval need to be approved based on City Attorney review.

Commissioner Berezniak made a motion, seconded by Commissioner Mulvaney-Stanak to approve the 2.5 Second Class Store Liquor License Renewal list for 2011-2012 with noted deletions, based on City Attorney review and all standard conditions.

Passed: 3-0

3. **SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2010-2011):**

Thai Phat Oriental Market, 100 North Street – **Mr. John Nguyen present**

Discussion: Lori Olberg stated that Mr. Nguyen is up-to-date on all paperwork – only waiting for Mr. Nguyen to attend DLC seminar. Mr. Nguyen stated that he is scheduled to attend on March 2 in Shelburne, VT.

Commissioner Berezniak made a motion, seconded by Commissioner Mulvaney-Stanak to approve the Second Class Store Liquor License Application 2010-2011 pending completion of training.

Passed: 3-0

4. **OTHER BUSINESS** – no other business

5. **ADJOURNMENT** – A motion was then made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak to adjourn the meeting at 5:19 p.m.

CITY COUNCIL LICENSE COMMITTEE
WEDNESDAY, FEBRUARY 9, 2011

PRESENT: See above

Councilor Dober called the meeting to order at 5:20 p.m.

1. **AGENDA**

A motion was made by Councilor Berezniak, seconded by Councilor Mulvaney-Stanak, to accept the agenda as written.

Passed: 3-0

2. **CONSENT AGENDA**

2.01. **COMMUNICATION:** William J. Goggins, Chief, Education, Licensing & Enforcement, re: Burlington Bay Market and Café, 125 Battery Street, December 7, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.02. **COMMUNICATION:** William J. Goggins, Chief, Education, Licensing & Enforcement, re: JR's Corner Store, 144 North Street, December 7, 2010, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.03. **COMMUNICATION:** William J. Goggins, Chief, Education, Licensing & Enforcement, re: One Love Market, 457 St. Paul Street, January 4, 2011, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.04. **COMMUNICATION:** William J. Goggins, Chief, Education, Licensing & Enforcement, re: Pete's Ice Cream, 78 North Street, Underage Tobacco Products Sale (**4th violation**), December 7, 2010, Mandatory DLC training for the Licensee is required within sixty (60) days

*waive the reading, accept the communication and place it on file

2.05. **COMMUNICATION:** William J. Goggins, Education, Licensing & Enforcement Chief, re: Price Chopper #165, 595 Shelburne Road, January 4, 2011, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

2.06. **COMMUNICATION:** William J. Goggins, Chief, Education, Licensing & Enforcement, re: Rotary Mart, 103 Shelburne Road, January 4, 2011, Successful Underage Tobacco Purchase Compliance Survey

*waive the reading, accept the communication and place it on file

Discussion: Councilor Dober started the conversation regarding the 4th violation of Pete's Ice Cream for Underage Tobacco sales. Ms. Olberg stated that the 4th violation is 500 administrative penalty or a formal hearing and they must have DLC training. Ms. Olberg has not received the communication from State of Vermont as to what Pete's Ice Cream has decided to do. Above on the Liquor License (2.5), Pete's Ice Cream has been removed, therefore, we are going to take the Tobacco License renewal consent item 2.07 – remove this and make it 2.5 and Pete's Ice Cream will be part of this removal. By next meeting Ms. Olberg should know what DLC has decided to do with Pete's Ice Cream as far as punishment.

Councilor Berezniak made a motion to accept the Consent Agenda with the following changes – to remove 2.07 and make this 2.5, motion was seconded by Councilor Mulvaney-Stanak.

Passed: 3-0

2.5 **TOBACCO LICENSE RENEWALS (2011-2012)**

Councilor Berezniak made a motion, seconded by Councilor Mulvaney-Stanak to accept the Tobacco License Renewals with all standard conditions, city attorney review. The following establishments were **removed** from the list:

Dot's Market
Downtown Quick Stop
Kountry Kart Deli
Pete's Ice Cream
Simon Store – Battery Park

The remaining establishments on the Tobacco License Renewal list being approved with all standard conditions and city attorney review are:

Bessery's Quality Market
Burlington Beverage Center
Finelli's
Hannaford Food & Drug
Henry Street Deli – Yandow, Tamra
J R Corner's Store
Kampus Kitchen
Kerry's Kwik Stop
Mobil Short Stop
Old North End Variety
One Love Market
Pearl Street Beverage
Pine Street Deli
Radio Deli
Shopping Bag
Waggy's Store & Deli
Willard Street Market
Passed: 3-0

3. **TOBACCO LICENSE APPLICATION (2010-2011)**

Thai Phat Oriental Market, 100 North Street

Councilor Berezniak made a motion, seconded by Councilor Mulvaney-Stanak to approve the Tobacco License Application for 2010-2011 for Thai Phat Oriental Market with standard conditions, pending approval of training seminar for DLC and upon city attorney review.

Passed: 3-0

4. **OTHER BUSINESS** – No other business

5. **ADJOURNMENT** - A motion was then made by Councilor Berezniak, seconded by Councilor Mulvaney-Stanak to adjourn the meeting at 5:30 p.m.